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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,720	06/19/2001	Pierfrancesco La Mura	COM-003CIA	3300

7590 04/22/2003

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[REDACTED] EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/885,720	Applicant(s) La Mura et al
Examiner Daniel Felten	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Feb 10, 2003

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 10-65 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims 10-65 are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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## DETAILED ACTION

1  
2 1. Receipt of the amendment filed February 10, 2003 canceling claims 1-9 and adding  
3 claim 10-65 is acknowledged. Claims 10-65 are pending in the application and are presented  
4 to be examined upon their merits.

5

6

7 ***Election/Restriction***

8 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:  
9       Group I.     Claims 1-26 and 62-65, drawn to product for team/tournament auction  
10                  system, classified in class 463, subclass 42.  
11       Group II.    Claim 27-30, drawn to product for conversion auctions system, classified  
12                  in class 705, subclass 64.  
13       Group III.   Claims 31-40, drawn to product for temporal negotiation system,  
14                  classified in class 370, subclass 442.  
15       Group IV.    Claims 41-56, drawn to product for bargaining market auction system,  
16                  classified in class 705, subclass 37.  
17       Group V.     Claims 57-61, drawn to product for bundle based auction system,  
18                  classified in class 705, subclass 26.  
19 3. The inventions are distinct, each from the other because of the following reasons:  
20                  Inventions in Group I and Group II are unrelated. Inventions are unrelated if it can be  
21                  shown that they are not disclosed as capable of use together and they have different modes of

1 operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the  
2 instant case the different inventions function differently for each other and have different  
3 effects. Group I discloses a product for a team auction system wherein function of the system  
4 pertains to items and bids based upon team dynamic. Group II discloses details related to a  
5 product for a conversion auction system wherein details are give to perform various  
6 calculations and/or conversions within the auction.

7 4. Inventions Group I and Group III are related as combination and subcombination.  
8 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
9 does not require the particulars of the subcombination as claimed for patentability, and (2) that  
10 the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
11 instant case, the combination as claimed does not require the particulars of the subcombination  
12 as claimed because the subcombination requires among other things a product for a temporal  
13 negotiation system. The subcombination has separate utility such as it can be used in other  
14 transaction systems, i.e, retail, commercial commerce, etc...

15 5. Inventions Group I and Group IV are related as subcombinations disclosed as usable  
16 together in a single combination. The subcombinations are distinct from each other if they are  
17 shown to be separately usable. In the instant case, invention Group IV has separate utility such  
18 as it can be used in a system without the need for partitioning participants into teams. See  
19 MPEP § 806.05(d).

20 6. Inventions Group I and Group V are related as subcombinations disclosed as usable  
21 together in a single combination. The subcombinations are distinct from each other if they are  
22 shown to be separately usable. In the instant case, invention Group V has separate utility such

1 as it can be used in a system without the need for partitioning participants into teams. See  
2 MPEP § 806.05(d).

3 7. Inventions Group II and Group III are unrelated. Inventions are unrelated if it can be  
4 shown that they are not disclosed as capable of use together and they have different modes of  
5 operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the  
6 instant case the different inventions have different effects, those being conversion of various  
7 aspects in an auction and negotiation of a transaction.

8 8. Inventions Group II and Group IV are related as combination and subcombination.  
9 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
10 does not require the particulars of the subcombination as claimed for patentability, and (2) that  
11 the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
12 instant case, the combination as claimed does not require the particulars of the subcombination  
13 as claimed because the subcombination requires among other things a bargain market. The  
14 subcombination has separate utility such as it can be used in other systems such as department  
15 stores, retail stores, etc...

16 9. Inventions Group II and Group V are related as combination and subcombination.  
17 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
18 does not require the particulars of the subcombination as claimed for patentability, and (2) that  
19 the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
20 instant case, the combination as claimed does not require the particulars of the subcombination  
21 as claimed because the subcombination requires bundle based auction. The subcombination  
22 has separate utility such as grouping items together to be bought and sold.

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1      10. Inventions Group III and Group IV are related as combination and subcombination.  
2      Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
3      does not require the particulars of the subcombination as claimed for patentability, and (2) that  
4      the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
5      instant case, the combination as claimed does not require the particulars of the subcombination  
6      as claimed because the subcombination requires a bargain market. The subcombination has  
7      separate utility such as can be used in other transaction systems that don not require  
8      negotiations.

9      11. Inventions Group III and Group V are related as combination and subcombination.  
10     Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
11     does not require the particulars of the subcombination as claimed for patentability, and (2) that  
12     the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
13     instant case, the combination as claimed does not require the particulars of the subcombination  
14     as claimed because the subcombination requires a bundle based auction. The subcombination  
15     has separate utility such as grouping items together..

16     12. Inventions Group IV and Group V are related as combination and subcombination.  
17     Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed  
18     does not require the particulars of the subcombination as claimed for patentability, and (2) that  
19     the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the  
20     instant case, the combination as claimed does not require the particulars of the subcombination  
21     as claimed because the subcombination requires a bundle-based system. The subcombination  
22     has separate utility such as grouping items together.

1      13. Because these inventions are distinct for the reasons given above and have acquired a  
2 separate status in the art as shown by their different classification, restriction for examination  
3 purposes as indicated is proper.

<sup>4</sup> 14. Applicant is advised that the reply to this requirement to be complete must include an  
<sup>5</sup> election of the invention to be examined even though the requirement be traversed (37 CFR  
<sup>6</sup> 1.143).

## ***Conclusion***

10        15. Any inquiry concerning this communication or earlier communications from the examiner  
11      should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The  
12      examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
13      Any inquiry of a general nature relating to the status of this application or its proceedings should  
14      be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
15      **Vincent Millin** whose telephone number is (703) 308-1065.

17 16. Response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

<sup>22</sup> for formal communications intended for entry, or (703) 305-0040, for informal or draft  
<sup>23</sup> communications, please label "Proposed" or "Draft".

**24** Communications via Internet e-mail regarding this application, other than those under 35

1 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
2 addressed to [daniel.felten@uspto.gov].

3 All Internet e-mail communications will be made of record in the application file. PTO  
4 employees do not engage in Internet communications where there exists a possibility that  
5 sensitive information could be identified or exchanged unless the record includes a properly  
6 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
7 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
8 Trademark on February 25, 1997 at 1 195 OG 89.

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12 DSF

13 April 17, 2003

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